

**COMBINED DECLARATION/POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR BROWNING AND COOKING FOOD PRODUCTS WITH STEAM**

the specification of which is attached hereto, unless the following box is checked:

☒ was filed on August 4, 2003, as United States Application Number or PCT International Application Number 10/633,314 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefit(s) under 35 U.S.C. § 119(a)-(d) or § 365(a)-(c) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under 35 U.S.C. § 120 or § 119(e) of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>60/401,097</u>	<u>5 August 2002</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status -- patented, pending, abandoned)
<u>10/349,324</u>	<u>January 23, 2003</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status -- patented, pending, abandoned)

I hereby appoint the attorneys and agents of Staas & Halsey LLP under USPTO Customer No. 21,171 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:



21171

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mark E. Holm

Inventor's Signature [Signature]

Date 14 Feb. 04

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Citizenship United States

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Full name of sole or second inventor John V. Poissant

Inventor's Signature [Signature]

Date 4 FEB 04

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Full name of sole or third inventor Kevin M. Souza

Inventor's Signature [Signature]

Date 4-Feb 04

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Citizenship United States

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Applicant or Patentee: Mark E. Holm et al.  
Serial or Patent No.: 10/633,314  
Confirmation No.: 3411  
Filed or Issued: August 4, 2003  
For: METHOD AND APPARATUS FOR BROWNIGN AND COOKING  
FOOD PRODUCTS WITH STEAM

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 C.F.R. 1.27(a) and 13 C.F.R. Part 121 -- SMALL BUSINESS  
CONCERN (37 C.F.R. 1.27(a)(2))**

I hereby declare that I am

☐  
☒

the owner of the small business concern identified below:

an official of and am empowered to act on behalf of the concern identified below:

NAME OF CONCERN Pyramid Food Processing Equipment Manufacturing, Inc.  
ADDRESS OF CONCERN 152 Lorum St., Tewksbury, MA 01876

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 C.F.R. 1.27(a)(2) and 13 C.F.R. Part 121, the latter cited in 37 C.F.R. 1.27(a)(2)(ii), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that (a) the number of employees of the concern, including those of its affiliates, does not exceed 500 persons and (b) the concern has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that all rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention, entitled Method and Apparatus for Browning and Cooking Food Products with Superheated Steam by inventors Mark E. Holm et al.

described in

- ☐ the specification filed herewith.  
☒ application serial no. 10/633,314, confirmation no. 3411, filed August 4, 2003  
☐ patent no. \_\_\_\_\_, issued

and I hereby declare that all rights under contract or law have been conveyed to and remain with the small business with regard to the above identified invention. Further, I declare that this nonprofit organization indicated above has not assigned, granted, conveyed, or licensed and there is no obligation of the small business to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.27(a)(1) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.27(a)(2) or a nonprofit organization under 37 C.F.R. 1.27(a)(3).

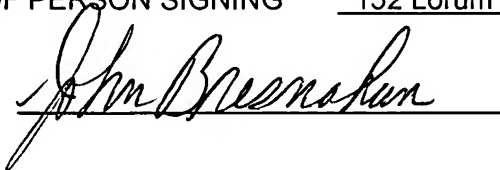
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING  
TITLE  
ORGANIZATION  
ADDRESS OF PERSON SIGNING

Jack Bresnahan  
President  
Pyramid Food Processing Equipment Manufacturing, Inc.  
152 Lorum St., Tewksbury, MA 01876

SIGNATURE



Date:

✓ 2/4/04